

REMARKS

Claims 1-22 are currently pending in this application. Claims 1-4, 10, 11, 14, 15, and 17-19, 21 and 22 have been canceled. Claim 5 has been amended to clarify the invention. Claim 20 was withdrawn by the Examiner in the Office Action dated 08/27/03. With this amendment, claims 5-9, 12-13 and 16 are pending. Applicants reserve the right to prosecute any unclaimed or canceled subject matter in a continuation or divisional application. No new matter has been added as a result of these amendments and Applicants believe these amendments place the claims in condition for allowance. Consideration and entry of this amendment is respectfully requested.

DOCKET NUMBER

Applicants request that the current docket number 11014-24/MG be changed to API-02-05-US.

REJECTION UNDER 35 U.S.C. § 102(b)

Claims 5-9, 12-13 and 16 stand rejected under 35 U.S.C. 102(b) as being anticipated by Schlom et al. (WO 97/35021). Applicants respectfully disagree and traverse this rejection, as indicated below.

Schlom does not teach an isolated nucleic acid sequence encoding SEQ ID NO.: 9. Schlom's "oligo-peptide epitope peptide" includes sequence beyond that instantly claimed. Claim 5 has been amended to delete reference to elongations. The Examiner's allegations as to Schlom are inapplicable. As such, Applicants respectfully request that this rejection be withdrawn.

REJECTION UNDER 35 U.S.C. § 112, FIRST PARAGRAPH

Claims 5-9, 12-13 and 16 stand rejected under 35 U.S.C. 112, first paragraph as being non-enabling as to peptide fragments of less than eight amino acids. Applicants respectfully disagree and traverse the rejections as indicated below.

Claim 5 has been amended to delete reference to fragments. The Examiner's rejections are inapplicable. As such, Applicants respectfully request that these rejections be withdrawn.

REJECTIONS UNDER 35 U.S.C. § 102(e)

Claims 5-9, 12-13, 16 and 20 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Schlom et al. (U.S. Pat. No. 6,165,460) as evidenced by Schlom, et al. (WO 97/35021). Applicants respectfully traverse this rejection as indicated below.

Applicants understand that this rejection is based on the '460 patent and that WO 97/35021 provides evidentiary support. Applicants argument as to WO 97/35021 is that because of its deficiencies, the reference does not support the '460 patent as alleged by the Examiner. As such, Applicants have previously stated their belief that the rejection is improper.

Applicants maintain this position. Claim 5 has been amended to delete reference to elongations. The '460 patent does not disclose the isolated instantly claimed isolated nucleic acid sequence. WO 97/35021 describes the sequence as part of a larger sequence, but not as an isolated sequence, as instantly claimed. As such, Applicants respectfully maintain that this rejection is improper and request that the rejection be withdrawn.

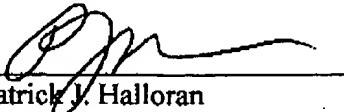
CONCLUSIONS

Consideration and entry of this amendment is respectfully requested. Applicants respectfully maintain that the pending claims are now in condition for allowance and request that a Notice of Allowance for the pending claims. If the Examiner has any questions or believes a discussion would expedite prosecution, he is encouraged to contact the undersigned at 570-839-5446.

Respectfully submitted,

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